19[illegible]

File No. C.L. Poll II 43

Legal Department-

B **BRANCH**

Subject Rules and Notifications under the Bombay City Police Act 1902

P 2/6

File No C.L. Poll II/43

Gen. 194 e.

102-B

Office of the R.L.A.

A revised draft notification is sent herewith

2. Clause (f) of sub-section (1) of section 22 of the City of Bombay Police Act, 1902, gives powers to the Commissioner of Police to make rules for licensing the playing of music in streets and public places. Clause (h) of the said sub-section gives him power to prescribe the procedure in accordance with which any license sought to be obtained under the Act should be applied for, and to fix the fees to be charged for any such license. These provisions do not enable the Commissioner of Police to make a rule providing that the licensee shall forfeit to the Government the sum deposited by him with the Commissioner of Police in the event of the licensee failing to observe certain conditions. The object in view can however be achieved by providing in the rule that no license for the playing of music shall be given to any applicant unless he deposits a sum of Rs. 50/- and agrees to forfeit the same in certain contingencies. Such a rule would be within the provisions of the Act referred to above and would be a valid rule. The bond which the rule contemplates should be taken from the applicant need not form a condition of the license but may be taken separatedly from him before issuing the license.

Id/- P.N.M.

5/3.

Remembrancer of Legal Affairs.

U.R. to H.D. (Spl.) No. 1631, dated the 6th March 1943.

Office of the R.L.A.

The proposed legislation is necessary if --

(1) a license is to be required for keeping a place of public entertainment open regardless of the hours of its working, whether by day or night, on the lines of section 35 of the Calcutta Police Act, 1866; and

(2) the keeper is to be made liable for the acts of his servants on the lines of section 40 of the Calcutta Police Act.

2. The view taken by A(E) in his note at page 7 ante is correct. The definition of the "keeper of a place of public entertainment" proposed by the Commissioner of Police at page 2 ante will not achieve the second named object. The form of the draft amendment can however be settled at the time of drafting the requisite Bill.

Id/- P.N.M.
13/5-
Remembrancer of Legal Affairs.

U.R. to H.D., No. 3537, dated 14th May 1943.

MSR.
16/7.